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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 JOSE RUBIO,

9 Plaintiff,

10 v.

11 THE MORTGAGE OUTLET, et al.,

12 Defendants.  
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2:11-CV-550 JCM (RJJ)

14 **ORDER**

15 Presently before the court is the matter of *Rubio v. The Mortgage Outlet et. al.*, (2:11-cv-  
16 00550-JCM-RJJ).

17 Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days  
18 after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must  
19 dismiss the action without prejudice.”

20 Plaintiff Jose Rubio’s case was removed to this court on April 12, 2011. (Doc. #1). Pursuant  
21 to Federal Rule of Civil Procedure 4(m), on August 11, 2011, the clerk of the court provided notice  
22 to plaintiff that the action would be dismissed as to defendant The Mortgage Outlet if Rubio did not  
23 file proof of service of process by September 10, 2011. (Doc. #13).


24 To date, the court has not received proof of service of process as to defendant The Mortgage  
25 Outlet, as required under rule 4(m).

26 Accordingly,

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1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case  
2 be, and the same hereby is, DISMISSED without prejudice as to defendant The Mortgage Outlet.

3 DATED September 23, 2011.

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6 UNITED STATES DISTRICT JUDGE